

FILED

03 SEP 10 PM 1:55

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
RICHARD L. CLARK, CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HAROLD B. SHAMBURGER, 0074597 JSW(R)
PLAINTIFF,
V.
R. KIRKLAND, ET AL.,
DEFENDANTS.

PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO
FILE A OPPOSITION MOTION TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT AND MOTION TO DISMISS.

PLAINTIFF HAROLD B. SHAMBURGER REQUESTS/IN REQUEST
A 60 DAY EXTENSION OF TIME UP TO AND INCLUDING
OCTOBER 31 2008 IN WHICH TO FILE HIS OPPOSITION
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT/
MOTION TO DISMISS.

AS EXPLAINED IN PLAINTIFF'S ACCOMPANYING
DECLARATION. PLAINTIFF REQUESTS ADDITIONAL TIME
TO FINALIZE HIS SUPPORTING DECLARATIONS IN THE
WAKE OF THE DEFENDANTS UNANTICIPATED
AFFIRMATIVE DEFENSE - CLAIMING THAT PLAINTIFF
FAILED TO EXHAUST HIS AVAILABLE ADMINISTRATIVE
REMEDIES. PLAINTIFF CONTENDS THAT THE PERSON
THAT SERVICED HIS PRISON CRIEVANCE, VIA U.S.
MAIL, TO: PELICAN BAY STATE PRISON'S WARDEN
NO LONGER WORKS AT THE PRISON ADVOCACY PROGRAM.

~~PLAINTIFF~~ AND HAS RETURNED TO HER BIRTH PLACE IN THE UNITED KINGDOM (UK). AND 2.) PLAINTIFF AWAITS THE RESOLUTION OF HIS PENDING MOTION TO PRODUCE DOCUMENTS. NEEDED DOCUMENTS ESSENTIAL TO THOSE MATERIAL FACTS THAT WILL BE SET FORTH AND ARGUMENT IN HIS OPPOSITION TO SUMMARY JUDGMENT MOTION.

PLAINTIFF HAS RECEIVED NO PREVIOUS EXTENSION OF TIME.
DATED: SEPTEMBER 1, 2008

RESPECTFULLY SUBMITTED

~~Signature~~
TSI HAROLD SHAMBERGER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
HAROLD SHAMBERGER, 0074597JSW(PR)
PLAINTIFF,
v.
R. KIRKLAND, ET AL.,
DEFENDANTS.

PLAINTIFF DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION
FOR AN EXTENSION OF TIME.

I, HAROLD SHAMBERGER, DECLARE;
1. I AM THE PLAINTIFF IN THE ABOVE CAUSE OF ACTION,
2. ON AUGUST 22 2008 I RECEIVED VIA U.S. MAIL
A COPY OF DEFENDANTS' SUMMARY JUDGMENT
MOTION / MOTION TO DISMISS. THEREIN DEFENDANTS
SET FORTH A UNANTICIPATED ARGUMENT. FALSLY
ALLEGING THAT PLAINTIFF HAD FAILED TO EXHAUST
ALL HIS AVAILABLE ADMINISTRATIVE REMEDIES.
3. PLAINTIFF NEEDS ADDITIONAL TIME TO LOCATE
THE PERSON THAT SERVICE VIA U.S. MAIL, HIS
PRISON GRIEVANCE, TO: PELICAN BAY STATE
PRISON WARDEN,

SUBJECT: PLAINTIFF'S 3106 PRE VALIDATION
AND 6106 "ACTIVE" VALIDATION AS RETALIATORY
FOR PLAINTIFF'S JAILHOUSE LAWYERING AND
PERSISTANT LITIGATION OF HIS ERRONEOUS INDET.
SHV PROGRAM. PLAINTIFF SOUGHT IMMEDIATE
RELEASE PER MADRID AT 1273 ARGING (IF
THE LAW ENFORCEMENT INVESTIGATIONS UNIT (LEIU)

CLASSIFICATION COMMITTEE COULD NOT RETAIN PLAINTIFF ON A INDETERMINATE SHU PROGRAM. PLAINTIFF'S CLASSIFICATION COMMITTEE WAS REQUIRED TO EITHER RELEASE PLAINTIFF TO THE GENERAL PRISON POPULATION OR REFER HIS CASE BACK TO THE LEU FOR A DETERMINATION. IF PLAINTIFF WAS CURRENTLY ACTIVE.).

4. PLAINTIFF'S MOTION TO PRODUCE DOCUMENTS - DOCUMENTS ESSENTIAL TO HIS CLAIMS THAT TWO OF THE THREE DOCUMENTS DEFENDANTS ASSERT AS A GANG ROSTER ARE IN FACT ACTIVITIES PROTECTED BY THE 1ST AMENDMENT AND A DOCUMENT THAT DEFENDANT ICI SERGEANT C STEWART AND ICI SERGEANT M. RANDOPH FOUND TO BE UNRELATED TO GANG ACTIVITIES.

5. PLAINTIFF RESPECTFULLY REQUEST A 60 DAY EXTENSION OF TIME TO FILE HIS OPPOSITION TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT / MOTION TO DISMISS.

6. THIS REQUEST FOR AN EXTENSION OF TIME IS NOT MADE FOR THE PURPOSE OF HARASSMENT, UNDOE DELAY OR ANY IMPROPER REASON.

I, DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS DECLARATION WAS EXECUTED ON SEPTEMBER 1 2008. IN CRESCENT CITY, CALIFORNIA.

131 *Shamberger*
HAROLD SHAMBERGER

PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

I, H. SHAMBURGER, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 1ST day of SEPTEMBER, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

PLAINTIFF'S DECLARATION / MTN. FOR EXTENSION
OF TIME, TO FILE PLAINTIFF'S OPPOSITION MTN. TO
DEFENDT'S MTN. FOR SUMM. JUDGMENT. / MTN. TO DISMISS

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

<u>KENNETH T. ROOST</u>	<u>U.S. DISTRICT COURT</u>
<u>DEPUTY ATT. GENERAL</u>	<u>450 GOLDEN GATE AVE</u>
<u>455 GOLDEN GATE AVE</u>	<u>SAN FRANCISCO, CA 94102</u>
<u>SAN FRANCISCO, CA</u>	<u>U.S. DISTRICT JUDGE</u>
<u>94102 3604</u>	<u>JUDREY S. WHITE</u>

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 1ST day of SEPTEMBER, 20 08.

Signed: Shamurger
(Declarant Signature)

HAROLD SHAMBERGER # D6530
D2211
P.O. BOX 7500
CRESCENT CITY, CA 95532

PELICAN BAY STATE PRISON
5905 Lake Earl Dr
Crescent City CA 95532



LOCAL MAIL
CONFIDENTIAL / PRIVATE

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 CANNON GATE AVE
SAN FRANCISCO, CA 94102
AUG 17 2008 U.S. DIST. COURT

9410293661 0004

9-2-08

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT
UNIT D-2

PBSP
INLET ENVELOPES